

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAR 8 2013

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY W DEPUTY

CONNIE L. WEATHERS, RALPH )  
COMPTON, and JAN L. HUNTER-HARDEN, )  
on behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

vs. )

No. CIV-11-1475-W

SPRINT COMMUNICATIONS COMPANY L.P., )  
QWEST COMMUNICATIONS COMPANY, )  
LLC, and LEVEL 3 COMMUNICATIONS, LLC, )

Defendants. )

**ORDER AUTHORIZING DISBURSEMENT  
OF FEE-AND-EXPENSE AWARD FROM ESCROW**

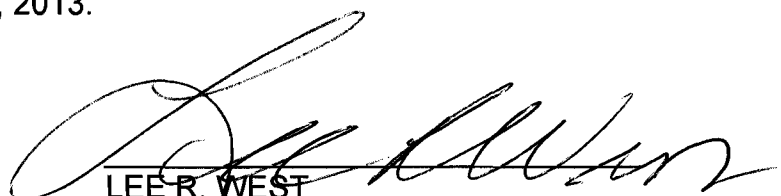
On November 28, 2012, the Court awarded attorneys' fees and expenses to Settlement Class Counsel in its Findings of Fact and Conclusions of Law on Plaintiffs' Motion for Award of Attorneys' Fees and Expenses to Settlement Class Counsel [Doc. 46]. Pursuant to that award and under the terms of the Oklahoma Class Settlement Agreement, the Settling Defendants deposited the fee-and-expense award in an escrow account established with U.S. Bank in New York, New York.

The allocation of the fee-and-expense award among all interested counsel and their agreed percentages were memorialized in an Agreement to Arbitrate the Allocation of Attorneys' Fees and Costs Awarded in the Fiber-Optic-Cable Right-of-Way Litigation ("Agreement to Arbitrate"), see Doc. 49-1, dated July 6, 2012, and the Fiber Optic Cable Fee Allocation Arbitration Award ("Arbitration Award") issued on July 19, 2012. See Doc. 49-2.

On January 23, 2013, the Court ordered "that The Susman Group<sup>1</sup> may file a motion requesting disbursement of its 4.446-percent share of the [fee-and-expense] award, but until such time as that motion is filed and granted The Susman Group's share shall remain in escrow." Doc. 50 at 3.

The matter now comes before the Court on the Motion Pursuant to Order of Court Dated January 23, 2013 [Doc. 51] filed by The Susman Group on March 8, 2013. Upon review of the Agreement to Arbitrate, the Arbitration Award and the Order of January 23, 2013, the Court GRANTS said Motion and ORDERS the Garretson Firm Resolution Group, Inc., to disburse 4.446 percent (4.446%) of the Oklahoma fee-and-expense award from the Oklahoma Fiber Optic Counsel Qualified Settlement Fund to The Susman Group.

ENTERED this 8<sup>th</sup> day of March, 2013.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>"The Susman Group," as defined in the Agreement to Arbitrate, see Doc. 49-1 at 4, means Arthur Susman, Esq., Susman Heffner & Hurst, LLP, Charles Watkins, Esq., John Wylie, Esq., Donaldson & Guin LLC, the attorneys and law firms listed under "The Susman Group" in Schedule A of the Agreement to Arbitrate, see id. at 22, and any other counsel who requests an award of the Gross Fees based on representation of a client who is also represented by The Susman Group and which counsel is not a member of The 48-Firm Group, a member of The Litman Group, William T. Gotfryd, or a representative of the Estate of Hugh V. Smith, Jr.